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9 Construction, Inc.; A.G. Spanos
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10 Land Company, Inc.; A.G. Spanos
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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 National Fair Housing Alliance, Inc., et al.,) CASE NO. C07-03255-SBA
15)
Plaintiffs,)
16 vs.)
A.G. Spanos Construction, Inc., et al.)
17)
Defendants.)
18)
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[Fed. R. Civ. P. 12(b)(7)]

Hearing Date: October 2, 2007
Time: 1:00 p.m.
Dept.: Courtroom 3

Complaint Filed: June 20, 2007

24 **TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:**

25 **PLEASE TAKE NOTICE** that on October 2, 2007, at 1:00 p.m., or as soon thereafter
26 as this matter may be heard, in Courtroom 3 of the above-entitled court, located at 1301 Clay
27 Street, 3rd Floor, Oakland, California, Defendants A.G. Spanos Construction, Inc., A.G.
28 Spanos Development, Inc., A.G. Spanos Land Company, Inc., and A.G. Spanos Management,

1 Inc. ("Defendants") will and hereby do move this court, pursuant to rule 12(b)(7) of the
2 Federal Rules of Civil Procedure, for an order dismissing Plaintiffs' National Fair Housing
3 Alliance, Inc., Fair Housing Of Marin, Inc., Fair Housing Napa Valley, Inc., Metro Fair
4 Housing Services, Inc., Fair Housing Continuum, Inc. ("Plaintiffs") complaint for failure to
5 join necessary and indispensable parties.

6 The basis of this Motion, as set forth more fully in the accompanying Memorandum of
7 Points and Authorities, is that: (1) **THE CURRENT OWNERS OF THE PROPERTIES**
8 **SUED UPON ARE INDISPENSABLE PARTIES UNDER THE ADA AND FHAA AND**
9 **HAVE NOT BEEN JOINED.**

10 This Motion will be based upon this Notice of Motion and Motion, the Memorandum of
11 Points and Authorities in support of this Motion, the Request for Judicial Notice in support of
12 this Motion, and the pleadings, orders, records and documents on file in this case, as well as
13 such oral and documentary evidence as may be properly presented at the time of the hearing on
14 this Motion.

15 Opposition, if any, to the granting of the motion must be served and filed not less than
16 twenty-one (21) days before the hearing date. If the party against whom the motion is directed
17 does not oppose the motion, that party must file with the Court a Statement of Nonopposition
18 within the time for filing and serving any opposition. See Local Rule 7-3(a) and 7-3(b).

19 Dated: August 15, 2007

FREEMAN, D'AMATO, PIERCE, GUREV,
KEELING & WOLE

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21 By 

LEE ROY PIERCE, JR.

22 Attorneys for Defendants A.G. Spanos
23 Construction, Inc.; A.G. Spanos Development,
24 Inc.; A.G. Spanos Land Company, Inc.; A.G.
25 Spanos Management, Inc.
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